

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

PAUL RAY JACKSON, #15875-078	§	
VS.	§	CIVIL ACTION NO. 6:14cv160
UNITED STATES OF AMERICA	§	CRIM. NO. 6:09CR00099-001

ORDER OF DISMISSAL

Movant Paul Ray Jackson, an inmate confined at F.C.C. Beaumont, filed the above-styled and numbered motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255. The motion was referred to United States Magistrate Judge John D. Love, who issued a Report and Recommendation concluding that the motion should be denied. Jackson has filed objections.

Jackson is in custody pursuant to a conviction for the offense of felon in possession of a firearm, in violation of 18 U.S.C. § 922(g)(1). After a plea of guilty and pursuant to a written plea bargain, he was sentenced to 100 months of imprisonment. He argues that he is entitled to four-level downward departure because the related state charges of evading arrest/detention with a vehicle were dismissed.

Magistrate Judge Love found that Jackson's guilty plea was entered knowingly and voluntarily and that the plea, along with the waiver of a § 2255 proceeding, should be upheld. Judge Love further found that the four-level increase was proper under the Sentencing Guidelines because the current offense was committed in connection with another felony offense, regardless of whether a criminal conviction was obtained. U.S.S.G. § 2K2.1(b)(6), cmt. n. 14(c). In his objections, Jackson complained that his attorney was ineffective, and he argued that the four-level increase was improper.

The Report of the Magistrate Judge, which contains his proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Jackson to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections by Jackson are

without merit. It is specifically noted that the four-level increase was appropriate in light of the circumstances of this case and the instructions contained in the United States Sentencing Guidelines. Therefore the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the Report and Recommendation (docket entry #11) is **ADOPTED**. It is further

**ORDERED** that the motion to vacate, set aside or correct the sentence pursuant to 28 U.S.C. § 2255 is **DENIED** and the cause of action is **DISMISSED** with prejudice. It is further

**ORDERED** that a certificate of appealability is **DENIED**. It is finally

**ORDERED** that all motions not previously ruled on are hereby **DENIED**.

**It is SO ORDERED.**

**SIGNED this 17th day of March, 2015.**

  
MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE